

REMARKS

Claims 1 to 45 are pending. Claims 2, 3, 5, 7 to 0, 12 to 17, 20 to 25, 27 to 32 and 34 to 38 are withdrawn. Claims 11 to 16, 18 to 25, 27 to 31 and 35 to 38 are cancelled. Claims 39 to 45 are new.

No claims are allowed.

1. Claims 4 and 6 are objected to because claim 6 was elected in the response dated April 15, 2009. However, claim 6 is dependent upon claim 4 which was not elected. Accordingly, claim 4 is elected as containing subject matter related to previously elected claims 1, 6, 11, 18, 19, 26 and 33.

Reconsideration of this objective is requested.

2. Claims 1, 4, 6, 11, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bresler et al. (U.S. Patent No. 6,102,915).

Bresler et al. relates to an acetabular milling tool 2 comprising a hollow, substantially hemispherical dome 3 with sharp-edged openings 4 and an open base 50. Means are provided for removably fixing the milling tool 2 to a milling tool support 1. In addition to the sharp-edge openings 4, the dome 3 has openings 21 and 22 that are of a sufficiently large size to enable the user to check the contact between the bottom of the cotyloid cavity hollowed out by the milling tool 2 and the tool's hemispherical external surface.

Independent claim 1 has been amended to set forth that the reamer comprises a hollow dome and an alignment structure. The hollow dome comprises a dome portion of a hemisphere having at least two opposed first edge portions and at two second edge

portions, the first and second edge portions together providing a lower edge for the dome portion. In that light, the presently claimed hollow dome is not in the shape of a hemisphere, as described and shown by Bresler et al. Instead, it is something less. That is readily apparent by having the at least two second edge portions being spaced from the theoretical equatorial plane toward the apex. For there to be a hemisphere, by definition the entire lower edge of the dome portion would be required to reside on the theoretical equatorial plane.

For at least that reason, amended independent claim 1 is believed to be neither anticipated by, nor obvious in light of, Bresler et al. Claims 4 and 6 are patentable as hinging from an allowable base claim. Claims 11, 18 and 19 have been cancelled, thereby rendering this rejection moot with respect to them.

Reconsideration of this rejection is requested.

3. Claims 26 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bresler et al. in view of Lechot (U.S. Patent No. 6,702,819).

Lechot describes a fixing cross for a reamer. The cross comprises a diametral bar 1 with a hole bored perpendicular to its axis. A cylindrical pin 2 is fitted in that hole and protrudes from either side of the bar 1. Two radial arms 3 and 4 perpendicular to the bar 1 are engaged on this pin, one on each side of the bar 1. In that manner, it appears that the diametral bar 1 and the supported arms 3 and 4 provide cross structures of equal diameter.

In contrast, dependent claim 26 sets forth that the cross member has opposed free ends. The cross member is secured to the first bar to thereby provide the alignment structure with a cruciform shape "for receipt by a bayonet catch on a holder".

For one, the pin 2 of Lechot does not have free ends. Instead, the ends of pin 2 reside inside blind axial holes provided in radial arms 3 and 4. Further, since the opposed ends of pin 2 reside inside the radial arms 3 and 4, they are not received in a bayonet catch. Instead, the arms 3 and 4 are the structure that resides in the bayonet catch. For these reasons, dependent claim 26 is unobvious in light of the combination of Bresler et al. in view of Lechot. Furthermore, this claim is patentable as hinging from an allowable base claim.

It is believed that amended independent claim 33 is also allowable as neither being anticipated by Bresler et al., nor obvious in light of the combination of Bresler et al. in view of Lechot.

Reconsideration of this rejection is requested.

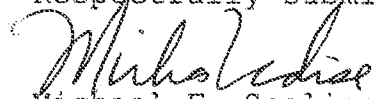
4. Withdrawn claims 2, 3, 5, 7 to 10, 17 and 32 have been amended to bring them into conformity with amended independent claim 1. As a generic and allowable claim, claim 1 is believed to render the subject matter that depends from it patentable.

Independent claim 33 has been amended in a similar manner as independent claim 1 combined with new claim 40. For that reason, it is also believed to be allowable. Claim 34 is patentable as hinging from an allowable base claim.

5. Replacement sheets in FIGs. 1 to 3 and 16 accompany this amendment. Annotated sheets for those figures are also attached.

It is believe that claims 1 to 10, 17, 26, 32 to 34 and 39 to 45 are in condition for allowance. A Notice of Allowance is requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael F. Scalise".

Michael F. Scalise

Reg. No. 34,920

Greatbatch, Inc.
10,000 Wehrle Drive
Clarence, NY 14031
(716)759-5810
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